

500 KAR 9:020. Agency forfeiture policy.

RELATES TO: KRS 218A.435(9)

STATUTORY AUTHORITY: KRS 218A.435(8), 218A.440(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 218A.435 provides that each law enforcement agency prior to being eligible to receive grants from the trust fund shall adopt policies relating to property seized pending forfeiture. This administrative regulation addresses approval of that policy.

Section 1. If a law enforcement agency adopts a policy relating to the seizure, maintenance, storage and care of property pending forfeiture pursuant to the Controlled Substances Act other than the model policy as promulgated by the Department of Criminal Justice Training, a copy shall be forwarded to the program coordinator.

Section 2. If a law enforcement agency adopts the "Model Policy For Forfeiture of Assets by Law Enforcement Agencies" as promulgated by the Department of Criminal Justice Training, it shall so notify the program coordinator by letter, signed by the head of the agency.

Section 3. Within thirty (30) days of receipt of a copy of asset forfeiture policies submitted by a law enforcement agency, the program coordinator shall advise the agency in writing whether it is in substantial compliance with the model policy and if not the specific deficiencies.

Section 4. Any agency which disagrees with the program coordinator's determination that a submitted policy is not in substantial compliance with the model policy may request the secretary to review such determination. (17 Ky.R. 163; Am. 1061; eff. 9-13-90.)